

Rule 4. Counter affidavit.

(a) ~~If defendant claims plaintiff owes defendant money, defendant~~ Defendant may file with the clerk of the court a counter affidavit stating facts showing the right to recover money from plaintiff.

(b) Unless waived upon filing an affidavit of impecuniosity, the appropriate filing fee must accompany the counter affidavit ~~(Form B).~~

(c) Any counter affidavit must be filed at least ~~fifteen~~ 15 calendar days before the trial. The ~~court~~ clerk of the court will mail a copy of the counter affidavit to plaintiff at the address provided by plaintiff on the affidavit.

~~(d) In a case filed in district court, if the counter affidavit alleges that plaintiff owes defendant more than the monetary limit for small claims procedures, the entire case will proceed as a regular civil case.~~

~~(e) In a case filed in justice court, if the counter affidavit alleges that plaintiff owes defendant more than the monetary limit for small claims procedures, the entire case must be transferred to district court and will proceed as a regular civil case.~~

~~(f) Defendant must pay both parties' additional filing fees imposed as a result of the case proceeding as a regular civil case. If necessary, defendant must arrange for transfer of the case.~~

(d) A counter affidavit for more than the monetary limit for small claims actions may not be filed under these rules.